IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

Crl.MC.No. 2678 of 2007()

CP.151/2007 of JUDL.MAGISTRATE OF FIRST CLASS COURT, ADOOR

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PETITIONER: ACCUSED

SUSEELA, PATHKALATHIL HOUSE,
ULLANNOOR MURI, KULANADA VILLAGE,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI. K.SHAJ
SRI.B.BALRAJ
SRI.SAJJU.S

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C. No.2678 Of 2007

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Dated this the 22nd day of August, 2007

ORDER

Petitioner faces indictment in a prosecution, under the provisions of the Kerala Abkari Act. Investigation is complete. Final report has been filed. Cognizance has been taken by the learned Magistrate. The committal proceedings has been registered. The petitioner, a woman had not been arrested in the course of the investigation. She did not appear before the learned Magistrate. Consequent to her nonappearance, reckoning her as an absconding accused, warrant of arrest has been issued against the petitioner

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The absence of the petitioner earlier was on account of reasons beyond her control. The petitioner is willing to surrender before the learned Magistrate and cooperate for the early disposal of the case, but she apprehends that her application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. Her application for bail is liable to be considered on merits and expeditiously as indicated in **Sukumari v. State of Kerala (2001 (1) KLT 22).** and **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339]. He further

prays that appropriate directions under Section 482 Cr.P.C may be issued in favour of the petitioner expeditiously .

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which she could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This application is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself, unless there are compelling reasons.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE